

**Bay Management Study Steering Committee**  
**June 2, 2006**  
**Summary of Meeting Notes**

Steering Committee Members in Attendance: Paul Anderson, Jim Salisbury, Kathleen Billings, Evan Richert, Heather Deese, DeWitt John, and Barbara Vickery

Staff in Attendance: Deirdre Gilbert, David Etnier, Seth Barker, John Sowles, and Mary Costigan, DMR; Kathleen Leyden, Todd Burrowes and Kristin Wilson, SPO; and Vanessa Levesque, SPO/DMR.

Pilot Project Representatives in Attendance: Frank Dorsey, Steve Perrin and Lee Hudson (FOTB) and Jen Atkinson (QLF, Muscongus Bay)

Members of the Public in Attendance: Jane McCloskey (EPBA), Sebastian Belle (MAA), Jim Wadsworth (Urchin dealer), Susan Faraday (The Ocean Conservancy), Roger Fleming (Conservation Law Foundation.)

**PILOT PROJECT PRESENTATIONS:**

***Taunton Bay***

Frank Dorsey presented the findings of the TB Pilot Project (powerpoint presentation available online). The group developed a lot of information (indicators and maps) that is very helpful. They also agreed on some common principles, but disagreed on details.

In response to Paul's question about the type of conflict, Frank replied:

- Internal conflict within the group, partly surrounding a landowner/harvester conflict.
- More generally, there is a perception that FoTB wants to close the bay to all harvesters
- Another perception that harvesters and scientists and conservationists cannot talk together; but there can be bridges between these groups. Problems with vocabulary, frame of reference, and timescale. One recommendation was that we need facilitators in these conversations that can go across groups.

In response to Evan's question about whether there are conflicts in allocation of space to different uses across the bay, Frank replied:

- There is not much conflict in the bay. Last summer with the shellfish closures, there were many more worms from outside the area using the bay, seeming to create more conflicts in terms of usable space.
- It was clarified that "use conflicts" could include spaces that are simultaneously desired for conservation and harvesting.

When DeWitt asked whether people felt they needed some form of new management entity, Frank explained that clambers want a unified clam ordinance (exclude out of towners); but wormers didn't want any regulations. Paul noted that his interpretation is that no new management entity is needed because there is already a mechanism to develop/adopt multi-town clam ordinances.

Frank clarified that the state support that was provided and would be needed in the future include experts in data, community-involvement, conflict resolution and facilitation.

John Sowles responded to questions about the area-specific management plan for Taunton Bay.

- This plan is required as a result of the TB dragging moratorium
- It will be an initial plan and probably wrong at first, but it will start the ball rolling
- It will focus on harvestable resources, but we cannot ignore the impacts to other non-harvestable species (for example, horeshoe crabs and shorebirds)
- There has been an initial harvesters meeting and there will be more stakeholder involvement as we move forward.

### ***Muscongus Bay***

Jen Atkinson presented the findings of the MB Pilot Project (powerpoint presentation available online). This project focused on gauging community interest in regional collaboration. They found that people were interested, but wary, and to make some type of bay management work, the state should provide enabling legislation, provide needed data, recognize that these processes take time, and continue to learn from local experimentation.

In response to questions, Jen clarified that while all types of stakeholders were invited to participate, and some did, there was not a lot of involvement from water users.

In discussing regional initiatives, Jen suggested that public access and working waterfront are two issues that might be ripe for regional (rather than town) level approaches. A regional identity and approach might also help leverage private funds. Their GIS process helped to begin to develop a regional identity.

Barbara Vickery asked specifically about Jen's recommendation #4 in her report about realigning state government to reinforce a regional approach. Although Jen couldn't say how this would be done, she explained that if the State asks towns to engage in more regional and collaborative processes but then doesn't have a system to support new regional structures, their likelihood of success is lower.

### ***Preliminary Findings from the Pilot Projects***

Vanessa provided a synopsis of her preliminary findings based on observations of pilot project meetings, interviews with pilot participants and discussions with other local

coastal groups (handout available online??). She set the context by reviewing the unique qualities of nearshore environments and governance, then provided observations about the community involvement in nearshore governance before concluding with specific recommendations for the State as it develops bay management approaches.

#### Steering Committee reactions and discussion:

Jim S. –We need to define what fisheries we are referring to when we discuss community-based fisheries management or the role of fisheries in bay management.

Barbara V. – These preliminary findings echo my own feelings. I like the idea of regional community GIS centers; the Maine Coast Protection Initiative provides grants to do this.

The committee discussed Evan's idea that use conflicts (in terms of space allocation) are not that prevalent and thus can be set aside as an issue that bay management does not need to deal with. While there was general agreement, some noted that there can be underlying 'conflict' between those who desire conservation versus other uses. Both pilot representatives also cautioned that some conflicts or problems might exist locally that aren't obvious.

The committee discussed the need for GIS support for local initiatives. Some limitations of maps were mentioned (e.g., limited ability to show temporal changes, poor metadata) but the overall benefits of both the process and products of GIS mapping were seen to be more useful than not in identifying uses and interactions, unifying towns, communicating information, and interactive planning exercises.

Paul asked what role communities might have in a new governance structure and if bay management would improve problems related to cumulative impacts. Heather suggested that we end up with three types of recommendations at the end of this study: 1) State provides needed technical support; 2) State provides structure for regional communication and cooperation, through a state enabling policy; and 3) State provides guidelines or standards for the health of bays (ecological and social). Kathleen B. commented that it will be hard for towns to want to participate if the predominant stakeholders aren't participating, and others agreed that we need to figure out how to improve water user participation. DeWitt suggested that setting goals or defining a common interest might be one way to bring different stakeholders together; some potential ideas others put forth for a common goal include: global warming, sea level rise, pollution.

#### ***Public comment period***

**Jim W.** – A unifying issue for the fishing community is pollution.

**Roger F.** – Tendency is to move right into the governance issue – but why are we having this discussion? There are some implicit reasons – resource protection. What’s the bigger picture for why we might be changing our governance structure?

**Vanessa L.** – While pilot representatives all stated different problems, it seems like might all be related to changes in Maine’s coastal character (ecologically and socially).

**Jen A.** – People generally aren’t aware of marine ecological issues. But they recognize that this region is losing its identity – it’s losing its fishery and it’s losing its character. Maybe if people knew, they’d make more of an issue of it. The environmental community has really done a pathetic job.

**Jim S.** – They’ve done worse than a pathetic job. They’ve antagonized and polarized. The environmental community needs to lead us to solutions rather than just pointing out the problems.

**Roger F.** –I hope that this study is part of the solution. I hope that this is a lot more than just developing community involvement for the purpose of providing information for a state structure. I hope that what comes out of this is something more – a set of goals for around a bay and that they have some role in influencing outcomes.

**Jane M.** – I’ve been an environmentalist since the age of 4. The real issue is privatization of public waters/resources.

**Lee H.** – As fisheries rep. on the TB project, I’ve been verbally harassed, my reports weren’t used, I had to be at every meeting to make sure big decisions weren’t made. This isn’t the way to get fisheries involved.

### **RANGE OF OPTIONS FOR BAY MANAGEMENT.**

Staff reviewed the four categories of potential approaches to bay management: enhancements to existing governance, regional governance options, bay planning, and state boards (handout available online?).

The following comments from the steering committee are related to enhancing the existing governance structure:

- Do these approaches cover the gaps between municipalities and the state? Could municipalities be asked (not just the state) – could the net be cast wider?
- For each of the existing marine planning or management initiatives (p7), indicate who is responsible and what collaborations could improve this work. Also fill out this list with planning done for habitat and fisheries.
- Identifying gaps isn’t all that useful. It doesn’t get at the underlying problems in nearshore governance.

The following comments are in response to regional governance:

- State agencies are structured according to different regions – it's not consistent between agencies (Barbara). Another way to regionalize state government would be to have a multi-agency point person that could be located in each of the regional centers (DeWitt). Or, we could have a new state 'Coastal Resources Division' organized by region that reorganized everybody (David)!

The following comments are in response to bay plans:

- Have there been any determinations of the effectiveness of plans such as the Casco Bay plan that has no authority? DeWitt pointed out that there has been 20 years of research on NEPs.
- There are many different types of planning, such as strategic planning, and it might be useful to spell out the different options for plans and zoning. Comprehensive plans, for example, don't need to include zoning.
- There is a difficult balance between allowing more authority and power (but insisting on certain conditions) and allowing more locally-driven planning initiatives (but withholding authority).
- Another example of regional work is the school administrative districts.

The following comments are in response to state boards:

- Could have a governor's plan for the state of Maine – could be a measure for whether state agencies are doing their jobs effectively. KL mentioned that our current coastal policies are similar to this idea but are so broad as to be meaningless. KW mentioned that the no child left behind program (an incentive-based program) had unintended consequences

***Highlights from the afternoon discussion on all the potential options:***

- Discussion regarding the distinction between more organic, grassroots initiatives and state-structured regional councils. There seemed to be a desire for the State to set goals for the marine environment, acceptable activities to carry out, and benchmarks that must be reached for plans/activities to have any authority, especially if support is to be given to regional initiatives.
- Discussion regarding the benefit of a more regionalized state government – it may seem like a step back, but regional groups will need to be facilitated by a state structure they can work with. Find the aspects of this that might be useful to make it easier for coordination with state agencies.
- Discussion about the role of towns - perhaps a state policy could provide resources and technical assistance to regions that would form via interlocal agreements. It was felt that since towns have control over what happens on the land, they must be directly involved to provide legitimacy and authority to a regional initiative. Yet it was also recognized that towns are overburdened and it is difficult to imagine them taking on new issues, even if they should. Perhaps stakeholder interest in an area would galvanize towns to get involved in a 'bay management' process. If bay management was to proceed in this way, there would need to be state guidelines to ensure that there's broad stakeholder involvement in the process, and that they are addressing more than one issue.

- A formal regional council might be one way to allow towns to be involved but also assist them when pressured (e.g. by developers) by broadening the responsibility to a region rather than a town (Kathleen B.)
- We might want to combine the regional initiative idea with developing state-wide goals (Heather)
- The steering committee agreed that they need more time to digest the information provided about potential bay management approaches and will want to provide more feedback after doing so, preferably through email.

### **Public Comment Period.**

**Steve P.** – Deeply appreciate Vanessa’s participation. We are dependent on everyone in this room, we would not have been a pilot project without all of you. Where does this all go when the energy dissipates? Management of these bays should be different because the bays are different – flexibility is one of the key strengths of bay management in the future. People have different strengths and we each have our own experiences and vocabulary. What’s needed is someone who can provide a safe structure for entities to engage and then move on. We need “advocacy for the coast”. The state needs to lead data coordination and management, as well as mapping. QLF model of community-based mapping is great.

**Jim W** – Marine sustainable certification – that might be a way to get the lobster industry involved in this process. Is that something that’s going forward?

**David E.** – People are aware. Lobster Promotion Council is engaged – trying to figure out how to meet the needs of the certification process.

**Susan F.** – Important that the state come out with the guiding principals for the state – articulation of the vision is a critical underpinning or describe the need for that and recommend a process for doing that. David’s Department of Coastal Resources – would be nice that things were more orderly. This is the time to aim high and say something high. Maybe that would be useful. Also, please change the name of ‘bay management’!

**Jane M.** – Agreement with DeWitt on measurable indicators. We need goals to make sure we’re improving.

**Roger F.** – Obvious that there’s been a lot of work in developing the ideas presented today. Is there a process for developing the principals and guidelines?

**Heather D.** – Helpful, again to have a problem statement.

**Sebastian B.** – A lot of what’s driving this discussion is how Maine is changing. Where does economic development fit in? This has been all about resource impacts. The health of bays is mostly impacted by land-based activities. One of the frustrations is that there is little ability to control the land-based activities – until you prove that you have developed a process that will address this, you will not have gained legitimacy.

**Lee H.** – Most people in this room are being paid to be here. When volunteers go to meetings and lead these projects, they are working for their own self-interest. Where are they coming from and what are their interests?